

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare-East Godavari District-Revision Petition filed Under Section 6 of A.P.S.A.L.T.R 1959 by Sri Visamsetti Parasuramudu & other R/o Sitharampuram (V) Rajavommangi(M), East Godavari-against the orders of the Agent to Government Rampachodavaram in CMA No:13/2005 Dated:23-7-2005-Dismissed-Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No. 191

Dated:21-10-2008.

Read the following:

1. From Sri S.R. Sanku, Counsel for the petitioner in Revision Petition
Dated:24-9-2005.
2. From the Hon'ble High Court of Andhra Pradesh in W.P No.22700 of 2005
Dated:21-10-2005.
3. Government Memo No.1265/LTR-2/2006 dated:17-6-2006.
4. From the Project Officer, ITDA, Rampachodavaram R.C.No:T8/CRP1265/2006
dated:12-9-2006.
5. Government Memo No.1265/LTR-2/2006 dated 23-8-2007.

ORDER:

In the reference 1st read above Sri Vamiseti Parasuramudu S/o Chellayya and Gavireddy Swaminaidu, R/o Sitharampuram (V) Rajavommangi (M), East Godavari District have filed a Revision Petition before the Government against the orders of the Agent to Government, Rampachodavaram in CMA No.13/2005 dt:23-7-2005 in respect of lands admeasuring Acres 5.61 cts. in Sy.No.102/3 Nellimetla (V) of Rajavommangi (M) of East Godavari District. The main grounds of the appellant in the Revision Petition among others are as hereunder:

- i) The Government authorities cannot take away the lands which were reclaimed and made cultivable by the petitioner.
- ii) The petitioners neither purchased the lands from the tribals nor did the tribals transfer the lands to the petitioners.
- iii) The petitioners started cultivation of the land even prior to 1970 and while continuing to cultivate the land they have been paying the revenue to the Government.

2. The brief history of the case is that the Special Deputy Tahasildar (TW) Rajavommangi filed the case Under Section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 as amended by 1/1970 for restoration of the land admeasuring Acres 5.61 cents in Sy.No.102/3 Nellimetla (V) of Rajavommangi (M), East Godavari District to Government after ejecting Vamiseti Parasuramudu. The Special Deputy Collector (TW), Rampachodavaram East Godavari District after perusal of the case records held that the Adangal copy confirms the encroachment of P.S. Land by Vamiseti Parasuramudu and Gavireddy Swaminaidu. The Special Deputy Collector (TW), in the light of G.O.Ms.No.971 dt:7-10-1969 and in case of High Court in case 1993/1/ALT 409 Judgement ordered for ejectment of non tribals Vamiseti Parasuramudu and Gavireddy Swaminaidu from P.S Land and for restoration of the same to Government for onward assignment to eligible tribals in LTRP 233/2004 dt:29-12-2004 (common order along with order Nos.230, 231, 232, 234, 235, 236 & 237/04). Aggrieved by the said order of the Special Deputy Collector (TW), Rampachodavaram an appeal was filed before the Additional Agent to Government. The Additional Agent to Government concluded that the appellants being Non-Tribals encroached the P.S. land situated in the Scheduled area without any rightful ownership and title which is not tenable and violative Under Section 3 (1) (a) of Regulation 1/1959 as amended by 1/1970. The Additional Agent to Government, East Godavari in his proceedings in CMA No.13/2005, dt:23-7-2005, dismissed the appeal and upheld the orders of the Lower Court in LTRP No.233/2004 dt:29-12-2004. Aggrieved by the said orders of the Additional Agent to Government the petitioners filed the present Revision Petition.

3. In the reference 3rd read above, the Agent to Government, Rampachodavaram was requested to furnish parawise remarks and case records and the same were received through the reference 4th read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 31-8-2007. The petitioners were absent and the Counsel for the petitioners attended and argued corroborating with the grounds urged in the Revision Petition.

4. Government after careful examination of the material evidence on record found that:

- i) The P.S land is a Government land situated in Yerrampadu village of Rajavommangi Mandal in East Godavari Dist.
- ii) The petitioners are non-tribals and illegally occupied the Govt. land in Sy.No.102-3 measuring Acs.5.61 cts.
- iii) The petitioners admitted before the lower court that they have occupied the Govt. land. They failed to produce any documentary evidence in support of their claim over the disputed land.
- iv) The illegal occupation of the Government land in the Scheduled Areas by the non-tribal is objectionable as per the Revenue Board Standing Orders and also the A.P. Land Encroachment Act, 1905, as that the petitioner's occupational right prima-facie is illegal and cannot be ratified at any time. The illegal occupation itself is a notice under the law. Moreover, the G.O.Ms.No.971, dt. 7.10.1969 prohibits all assignments of Govt. lands in agency area in favour of Non-tribals.
- v) As it is clearly held that the non-tribal is in illegal possession of Govt. land in the scheduled village, there is no point to keep the case pending any further.

5. Government after careful examination of the case records finds no reason to interfere with the Orders of the Addl. Agent to Government, Rampachodavaram, East Godavari District in CMA No.13/2005 dt:23-7-2005 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of Andhra Pradesh in its W.P No.22700 of 2005, dated:21-10-2005 shall become inoperative.

6. The Collector, East Godavari / Agent to Government & Project Officer, ITDA, Rampachodavaram, East Godavari District is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,

Prl. Secretary to Government.

To

The Collector, East Godavari District.

(with RPAD of the following records)

1.Case file CMA No:13/2005 1-42 pages only.

2.Case file LTRP No.233/2004 1-16 pages only

The Addl. Agent to Government, Rampachodavaram, East Godavari.

The Special Deputy Collector (TW), Rampachodavaram (M), East Godavari.

The Special Deputy Tahasildar (TW), Rajavommangi (M), East Godavari.

The Mandal Revenue Officer, Rajavommangi (M), East Godavari.

Sri S.R.Sanku, Advocate,

H.No.11-20-5, Tarani, Plot No.3,

Behind HUDA Complex, Sarooranagar, Hyderabad.

Sri Vamiseti Parasuramudu S/o Chellayya,

R/o Seetharamapuram Vg. Rajavommangi (M), East Godavari.

Sri Gavireddi Swaminaidu, S/o Satyam,

R/o Seetharamapuram Vg.Rajavommangi, East Godavari.

The P.S to M (TW & RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER